

Judicial Administration Committee  
Judicial Conference of Indiana

**Minutes**  
October 13, 2000

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 13, 2000 from 10:00 a.m. - 2:00 p.m.

1. Members present. Scott R. Bowers; Clarence D. Murray; John L. Kellam, Richard T. Payne, David L. Welch; and Frances C. Gull, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Others present. Lilia Judson, Kurt Snyder, and Andy Straw, State Court Administrator's Office; Dr. Brian Vargus and Andy Hutcherson, Indiana University Public Opinion Laboratory and Jim Jezek were also present.
4. Minutes approved. The minutes of the committee on September 20, 2000 were distributed.
5. Update Study - Judicial Weighted Caseload Measures.
  - a. Mr. Bercovitz distributed copies of CCS sheets from five different counties in order to prepare a definition of Ajudicial action.® The committee members agreed that judicial actions should be counted in as uniform a manner as possible. They agreed to prepare a list of commonly used words and/or phrases and match them to the Type of Action for each of the 16 case types. Dr. Vargus stated this was needed to assure judicial actions were counted consistently. The list will provide a framework to count judicial actions in case files. The following committee members agreed to prepare this list:

<u>Case Type</u>	<u>Judge to list key word/phrase and match to 1 of 11 Types of Actions</u>
Capital Murder/Life without Parole Murder	Judge Gull, Judge Murray
A Felony	Judge Gull, Judge Murray
B Felony	Judge Gull, Judge Murray
C Felony	Judge Gull, Judge Murray
Civil Plenary	Judge Payne, Judge Welch
Mortgage Foreclosure	Judge Payne, Judge Welch
Civil Collections	Judge Payne, Judge Welch
Ordinance Violations	Judge Fleece
Infractions	Judge Fleece
CHINS	Judge Kellam
Delinquency	Judge Payne
Termination of Parental Rights	Judge Traylor-Wolff
Dissolution	Judge Payne
Paternity	Judge Kellam
Protective Orders	Judge Bowers, Judge Welch

- b. Judge Kellam moved that if a CCS entry said, A Motion for continuance is filed. Motion granted (or denied)@ or A Case reset@ or similar phrase it should not be counted as a judicial action for purposes of the case file audits. Judge Payne seconded the motion. Mr. Jezek explained that counting continuances as A judicial actions@ tended to decrease the credibility of the case file audit, with potential study opponents stating that continuances permit judges to keep a case open longer and therefor increase the need for more judges. If a hearing occurs, and a continuance is granted, the hearing would be counted as an action as would the time for that hearing. If the judge spends time preparing the order for the continuance, the time to prepare the order would be counted. The motion was passed.
  - c. The committee members discussed finding and review of case files for Capital Murder, Murder, A, B and C Felony cases to determine the number of judicial actions in each case. They agreed that in order to prevent any claims of bias in the selection process, the representative sampling of cases should be randomly selected, distributed across the state, and be selected by the teams from the Indiana University Public Opinion Laboratory and not the clerks or judicial officers.
    - (1) They agreed that 10-20 capital murder cases be reviewed, with one-half of them being A closed@ cases. They agreed that life without parole cases should be reviewed too.
    - (2) They agreed that murder cases could be easily discerned from the CCS entries.
    - (3) The members of the committee agreed that Dr. Vargus=s teams could work at computer terminals to review the CCSs for A, B and C felonies by reviewing all the case files until the correct number is found. They agreed to review closed case files in order to get the full range of actions that could occur in a case, and go back a few years to find cases.
    - (4) They agreed to look at the number of files to be pulled, and the method of finding Civil Collections and Mortgage Foreclosure cases at the next meeting.
  - d. The members of the committee reviewed a draft memorandum of Frequently Asked Questions for the judge time portion of the study. Mr. Bercovitz agreed to send this out next week.
6. Next meeting. The committee members agreed to send in their words/phrases for judicial actions by November 11, 2000. Mr. Bercovitz will then send it to committee members. They agreed to meet again on meet in conjunction with the December conference on December 7, 2000 from 9:00 a.m. to 12:00 noon; Friday, January 12, February 9, March 9, April 13, May 11, June 8, July 13 and August 13, 2001 from 10:00 a.m. until 4:00 p.m. at the Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Probation and Juvenile Services